

Notice of Allowability

Application No.

10/695,834

Examiner

Ren L. Yan

Applicant(s)

ACKLEY ET AL.

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a telephone interview and a terminal disclaimer filed on 5/11/06.
2. ☒ The allowed claim(s) is/are 76-79 and 101-119.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 2-27-2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Bowen on 5-11-2006.

The application has been amended as follows:

In claim 76:

- a. line 10, the text --each provided with at least one vacuum hole-- has been added after the word "portions";
- b. line 12, the text --laterally, longitudinally and rotationally at least in part by vacuum pressure-- has been added after the word "fixed"; and
- c. line 12, the text --at and-- has been added before the word "between".

In each of claims 78 and 79, first line, the word "a" has been changed to --said--, respectively.

Claim 80 has been canceled.

In claim 101, line 3, the word --said-- has been added after the word "positioning" and the word "pocket" has been changed to --transport recess portion--.

In claim 102, lines 1 and 2, the phrase “further comprising providing each said transport recess portion with” has been changed to --wherein said at least one vacuum hole comprises--, and line 3, the word “the” has been changed --a--.

In claim 106:

- a. line 10, the text --each provided with at least one vacuum hole-- has been added after the word “portions”;
- b. line 12, the text --laterally, longitudinally and rotationally at least in part by vacuum pressure-- has been added after the word “fixed”; and
- c. line 12, the text --at and-- has been added before the word “between”.

In claim 114, last line, the word --said-- has been added after the word “via”.

The following is an examiner’s statement of reasons for allowance:


With respect to claims 76 and 106, the overall combination of process steps and structure for printing a multicolor composite image formed from at least two component ink-laden images on a plurality of shaped pharmaceutical pieces each having at least one non-planar surface as claimed including particularly the use of a plurality of transport recess portions each provided with at least one vacuum hole and the shaped pharmaceutical pieces are positioned in a predetermined location temporarily fixed laterally, longitudinally and rotationally at least in part by vacuum pressure within a respective one of the transport recess portions at least at and between the first and second print positions is not taught by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L. Yan whose telephone number is 571-272-2173. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ren L Yan
Primary Examiner
Art Unit 2854

Ren Yan
May 11, 2006